REMARKS

I. INTRODUCTION

In response to the Office Action dated July 10, 2009, please consider the following remarks. Re-consideration of the application is requested.

II. STATUS OF CLAIMS

Claims 30-47, 49-58, 60-69 and 71 are pending in the application.

Claims 30-32, 34, 37, 40-42, 44, 47, 51-53, 55 and 58 were rejected under 35 U.S.C. §103(a) as being obvious in view of Boyer, U.S. Publication 2006/0253869 (Boyer) and Kahl, U.S. Patent 5,936,625 (Kahl), and these rejections are being appealed.

Claims 36, 46 and 57 were rejected under 35 U.S.C. §103(a) as being obvious in view of Boyer, Kahl, and Brown, U.S. Patent 4,216,596 (Brown), and these rejections are being appealed.

Claims 38, 39, 49, 50, 60 and 61 were rejected under 35 U.S.C. §103(a) as being obvious in view of Boyer, Kahl, and Green, U.S. Patent 6,192,346 (Green), and these rejections are being appealed.

Claims 33, 35, 43, 45, 54, 56, 62-67 and 69 were rejected under 35 U.S.C. §103(a) as being obvious in view of Boyer, Kahl, and Lemmons, U.S. Publication 2004/0216160 (Lemmons), and these rejections are being appealed.

Claim 68 was rejected under 35 U.S.C. §103(a) as being obvious in view of Boyer, Kahl, Lemmons and Brown, and this rejection is being appealed.

Claim 71 was rejected under 35 U.S.C. §103(a) as being obvious in view of Boyer, Kahl, Lemmons and Green, and this rejection is being appealed.

III. GROUNDS OF REJECTION TO BE REVIEWED

Whether claims 30-32, 34, 37, 40-42, 44, 47, 51-53, 55 and 58 are patentable under 35 U.S.C. §103(a) over Boyer and Kahl.

Whether claims 36, 46 and 57 are patentable under 35 U.S.C. §103(a) over Boyer, Kahl and Brown.

Whether claims 38, 39, 49, 50, 60 and 61 are patentable under 35 U.S.C. §103(a) over Boyer, Kahl and Green.

Whether claims 33, 35, 43, 45, 54, 56, 62-67 and 69 are patentable under 35 U.S.C. §103(a) over Boyer, Kahl and Lemmons.

Whether claim 68 is patentable under 35 U.S.C. §103(a) over Boyer, Kahl, Lemmons and Brown.

Whether claim 71 is patentable under 35 U.S.C. §103(a) over Boyer, Kahl, Lemmons and Green.

IV. ARGUMENT

A. The References

1. The Boyer Reference

U.S. Publication No. 20060253869, published November 9, 2006 to Boyer et al. disclose an Internet television program guide system. An Internet television program guide system is provided that allows a user at a multimedia system to access information related to television programs over an Internet communications link. The user can view television program guide listings and related video stills and video clips. The user can perform database searches on the program guide listings (e.g., to search for a particular type of television program). If desired, the user can select an option that directs the multimedia system to tune directly to a television channel for a selected program or to a related television program guide or movie guide service on a television channel. The user can order pay-per-view events using the system.

2. The Kahl Reference

U.S. Patent No. 5,936,625, issued August 10, 1999 to Kahl et al. disclose a computerized calendar showing scheduled events which may be edited, magnified, or scrolled within a monthly view. A method of providing a monthly calendar view in a computer system uses either textual information or vertically stacked busy bars. If the textual information is utilized, the textual information includes a start time and a brief description of the event. The textual information is interactive allowing quick and easy additions or editing. If the vertically stacked busy bars are utilized, the bars may each represent a predetermined time frame. The presence of a bar indicates an event is scheduled during that time frame. Whichever method is utilized, an enlarged full text description of the event is directly selectable by placing an icon over the event and selecting the event.

3. The Brown Reference

U.S. Patent No. 4,216,596, issued August 12, 1980 to Brown discloses a perpetual calendar. The specification discloses a perpetual monthly calendar in which numbered belts are adjustable to bring the numbers of a year to a year window, a month belt is adjustable to bring the month (with the number of days therein) to a month window, a day belt having six horizontal rows of numbers adjustable to bring the appropriate monthly calendar to a day window with the first of the month under the day of the week on which the month of a row of the days of the week is above the day window and exposing consecutive day numbers of that month in the day window. A sixth row pointer is adjustably positioned just beyond the last day of the month exposed when next day is in the sixth row. A fifth row pointer is adjustably positioned beyond the last day of the month exposed when the next day is in the fifth row.

4. The Green Reference

U.S. Patent No. 6,192,346, issued February 20, 2001 to Green discloses vacations and holiday scheduling method and system having a bidding object which enables employees to bid and prevent from bidding if higher priority employees have not bid. The present invention provides a vacation and holiday scheduling system. The system includes a variety of objects to assist a business in controlling and managing the scheduling of vacations by their employees and for assisting the employees in bidding on vacation days and holidays based upon employee seniority.

5. The Lemmons Reference

U.S. Publication No. 20040216160, published October 28, 2004 to Lemmons et al. disclose interactive program guide systems and processes. Interactive program guide systems and related processes are provided which can automatically tune a television, or program a VCR, based on program selections made from program schedule information displayed on a television or other suitable video monitor. The interactive program guide is preferably implemented using a microprocessor-controlled set-top box that is coupled to the viewer's television set. The set-top box receives program schedule information and software from a headend telecasting center. Preferably, program schedule information for the current day and at least six subsequent days is stored in a memory within the set-top box. The interactive program guide provides a display mode for allowing the viewer to apply a restrictive search selection criterion and a nonrestrictive sort attribute to the program schedule information.

B. Claims 30-32, 34, 37, 40-42, 44, 47, 51-53, 55 and 58 are patentable under 35 U.S.C. §103(a) over Boyer in view of Kahl.

In paragraphs (11)-(12), the Office Action rejected claims 30-32, 34, 37, 40-42, 44, 47, 51-53, 55, and 58 under 35 U.S.C. § 103(a) as unpatentable over Boyer et al., U.S. Publication No. 2006/0253869 (Boyer) in view of Kahl et al., U.S. Patent No. 5,936,625 (Kahl). The Applicants respectfully traverse.

With Respect to Claim 30: Claim 30 recites:

An electronic program guide for providing information regarding a plurality of broadcast media programs comprising:

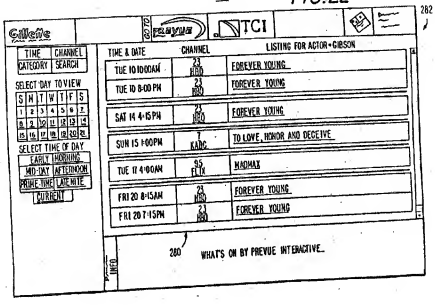
a listing of media program representations that represent a first subset of the plurality of media programs, the first subset of media programs being obtained by a search of the plurality of broadcast media programs; and

a calendar image displayed separate from and with the listing of media program representations, the calendar image including a plurality of dates and a plurality of program indicators, each program indicator being overlaid on one or more of the plurality of dates, thereby providing an indication of the dates on which only the first subset of media programs will be broadcast;

wherein the calendar image includes a selection indicator, the selection indicator movable within the calendar image for selecting one of the plurality of dates on the calendar image.

Claim 30 recites that the first subset of the media programs was obtained by a search of the plurality of broadcast media programs, and that the program indicators provide an indication of the dates on which only the first subset of media programs will be broadcast (i.e. not all of the plurality of broadcast media programs).

The First Office Action referred to FIGs. 21 and 22 of the Boyer reference, which disclose the result of a "search":



And argued:

4. Boyer teaches searching the EPG database (Fig. 21), and displaying the search results along with the calendar (Fig. 22). Boyer's displayed search results listings are event listings, because they each have an associated broadcast date and time. Further, the event listings displayed after a search are a subset of event listings from the EPG database. Fig. 22. However, Boyer does not further display indicators for each program on the dates on which the subset of programs are broadcast.

FIG. 22 discloses placing a calendar image adjacent a listing of the programs responsive to the search query. However, the calendar image does not provide any information whatsoever about the search results. It is used only to allow the user to navigate to different days and times of the day:

> **[0103]** Cursors **222** and **224** are used to navigate to earlier or later time periods, respectively. Web browser cursors **226** and **228** allow the user to scroll through the program listings. The user may also navigate the program listings with time navigation buttons **230**. For example, if the user would like to view program listings that begin in the morning, the user clicks on the morning navigation button **230**. If the user would like to view program listings for programs currently being broadcast, the user may click on the current navigation button **230**. Program listings for different days in the month may be viewed by selecting the appropriate day from calendar buttons **232**.

Hence, in response to a search request, Boyer teaches using the calendar for navigation purposes only. It does not teach using a calendar to provide an overview of the result of a program search, nor does it disclose using the calendar provide any information about the search.

Kahl discloses a computer-based calendaring tool in which "busy bars" indicate periods of time for "events" that the user has scheduled for themselves.

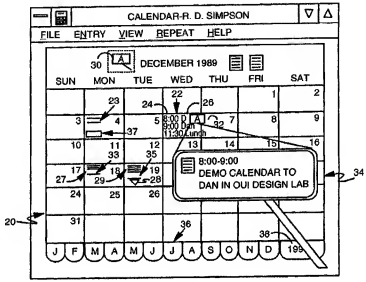


FIG. 2

The Final Office Action agrees that neither Boyer nor Kahl disclose the use of a calendar to show the results of a *search*:

> 15. While the examiner agrees that neither reference individually teaches the claimed invention, the examiner still maintains that Boyer's teaching and Kahl's teaching are combinable to arrive at the claimed invention. Boyer teaches searching for a subset of

However, the Final Office Action argues that Kahl teaches conducting a "search" because when one selects a month on the calendar, only the subset of event listings (those occurring that month) are displayed:

> on which a subset of event listings occur. Kahl also conducts a "search" by selecting a range of dates for the event listings; by selecting the "December 1989" calendar as in Fig. 2, only the subset of listings occurring in December 1989 are displayed. Thus the

There are two problems with this argument.

First, selecting "December 1989" on a calendar is not "searching"... it is navigating to a different date on the calendar. That is analogous to selecting a date on the calendar of the Boyer program guide. Second, the Final Office Action's definition of a "search" contradicts the Boyer

reference. Boyle discloses navigation[1] *and* searching[2], and does not confuse one for the other. The Applicant's respectfully suggest that the Final Office Action cannot interpret a claim term in one way for the primary reference, and in another for the secondary reference.

The Applicants might concede the merit of the Examiner's argument if Kahl taught searching for *events* and the results of that search were displayed on the calendar. At least, in this case, Kahl would disclose presenting search results in a calendar format, but Kahl does not disclose such a feature.

With regard to the combinability of the Boyer and Kahl references, the Applicants respectfully suggest that the "pertinent art" is that of program guides provided in connection with broadcast media systems, not any art that might use a calendar.

Boyer is directed to a program guide, and hence, is art that is pertinent to the Applicants' invention. Kahl is another matter. Kahl is directed to a personal calendaring system ... an entirely different field of art.

The Final Office Action answers:

> Applicant next argues that Kahl is not pertinent art to the claims or to a combination with Boyer. Remarks at 16, 17. The examiner disagrees and argues that although Kahl is a personal calendaring system in contrast to Boyer's program guide, Boyer and Kahl have a common field of endeavor, namely, that of displaying a calendar to assist in viewing and selecting scheduled events. Therefore, techniques applied to Kahl's interactive calendar are applicable to Boyer's interactive calendar.

The Applicants respectfully disagree. Boyer is directed to the very crowded art of electronic program guides, and Kahl is directed to a personal calendaring system. That both use a calendar and include events does not mean that they apply to a common field of endeavor. Boyer, which *is* pertinent to the art of program guides, teaches that a calendar be used for purposes of navigation, not for providing program information, and certainly not doing so for the results of a search.

Independent claims 40 and 51 recite features analogous to those of claim 30 and are patentable for the same reasons. Claims 31-32, 34, 37, 40-42, 44, 47, 52, 53, 55 and 58 each recite

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[1] If a day on the calendar is selected (e.g. as shown in FIG. 16), Boyer navigates to the date indicated, and programs that are scheduled to be shown on that date are illustrated in the program guide (but not on the calendar).

[2] For example consider FIG. 22 and related text.

the features of the independent claims they depend upon and are patentable for the same reasons as well.

C. Claims 36, 46 and 57 are patentable under 35 U.S.C. §103(a) over Boyer in view of Kahl and Brown.

Claims 36, 46, and 57 recite the feature of the independent claims they depend upon and are patentable for the same reasons.

D. Claims 38, 39, 49, 50, 60 and 61 are patentable under 35 U.S.C. §103(a) over Boyer in view of Kahl and Green.

Claims 38-39, 49-50, and 60-61 recite the feature of the independent claims they depend upon and are patentable for the same reasons. Further, the Applicants respectfully disagree that Kahl's staggering of the busy bar indicators is analogous to the use of different shades to indicate different concentrations of media programs.

E. Claims 33, 35, 43, 45, 54, 56, 62-67 and 69 are patentable under 35 U.S.C. §103(a) over Boyer in view of Kahl and Lemmons.

Claims 33, 35, 43, 45, 54, 56, 62-67, and 69 recite the feature of the independent claims they depend upon and are patentable for the same reasons.

F. Claim 68 is patentable under 35 U.S.C. §103(a) over Boyer in view of Kahl, Lemmons and Brown.

Claim 68 recites the feature of the independent claims they depend upon and are patentable for the same reasons.

G. Claim 71 is patentable under 35 U.S.C. §103(a) over Boyer in view of Kahl, Lemmons and Green.

Claim 71 recites the feature of the independent claims they depend upon and are patentable for the same reasons.

V. CONCLUSION

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters remain that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney.

The Director is hereby authorized to charge any fees that may become due with this response to Applicant's Deposit Account No. 50-0383.

Respectfully submitted,

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